



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 8048-99
5 April 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 7 November 1975 at age 18. The record shows that on 20 October 1976 you received nonjudicial punishment for failure to go to your appointed place of duty. On 27 January 1977 you received another nonjudicial punishment for an unauthorized absence of about 46 days.

On 31 January 1977 you were notified that administrative separation action had been initiated by reason of unsuitability due to apathy and defective attitude. On 2 February 1977 the discharge authority directed discharge by reason of unsuitability. You were issued a general discharge on that same day.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct mark average was 2.6. A minimum average mark of 3.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your youth and the contentions that your unauthorized absence was caused by the necessity to care for your injured sister, and that you have been a good citizen for many years. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your lengthy period of unauthorized absence and your failure to achieve the required average mark in conduct. The Board believed that mitigating factors must have been considered when the decision was made to discharge you by reason of unsuitability rather than for misconduct. Had you been separated by reason of misconduct, characterization could have been under other than honorable conditions. The Board concluded that the general discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director